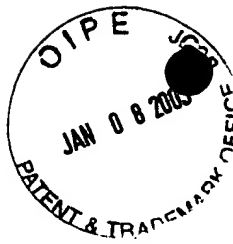


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kazumasa AYUKAWA et al.

Group Art Unit: 3682

Appln. No. : 09/961,365

Examiner: M. Charles

Filed : September 25, 2001

For : THIN AUTOTENSIONER

RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE

Assistant Commissioner of Patents
Washington, DC 20231

Sir :

In response to the Examiner's Election of Species Requirement of December 12, 2002, setting a one month period for response extending until January 13, 2003 (January 12, 2003 being a Sunday), Applicants elect Specie I, with traverse, for the reasons expressed below. Claims 1-20 are considered to be "readable" on the invention of Specie A. Claim 1 is considered to be generic, as set forth by the Examiner. Claims 1-3, 7-10, 12-17, 19, and 20 are considered to be generic by Applicants.

The Examiner has indicated claim 1 to be generic. However, claims 1-3, 7-10, 12-17, 19, and 20 are considered to be generic by Applicants. In this regard, Applicants note that claims 1-3, 7-10, 12-17, 19, and 20 are directed to an autotensioner and a method of assembling an autotensioner, and are of varying scope. Applicants are permitted and encouraged to submit claims of varying scope, and Applicants have done so here. Further,

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figures 2, 13, 15, and 17 depict different embodiments of the rocking arm of the autotensioner. Claims 1-3, 7-10, 12-17, 19, and 20 set forth the rocking arm broadly and are not directed to the details of particular embodiments shown in figures 2, 13, 15, and 17. Since claims 1-3, 7-10, 12-17, 19, and 20 read on all the embodiments shown in figures 2, 13, 15, and 17, it is respectfully submitted that claims 1-3, 7-10, 12-17, 19, and 20 are generic.

Applicants respectfully traverse the Election of Species Requirement. Although the Examiner's Office Action appears to accurately identify different embodiments of the claimed invention, Applicants respectfully request that all of the claims in the instant application be examined, pursuant to the guidelines set forth in MPEP §803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the nonelected inventions since the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. It appears that if the Examiner were to perform a search for the embodiment of Specie I, there would not be a serious burden in examining the other embodiments, especially since all of the claims are directed to at least a friction member in an autotensioner.

Because the search of each of the inventions would be coextensive, it would be no serious burden on the Examiner to examine all of the claims in the application. For this

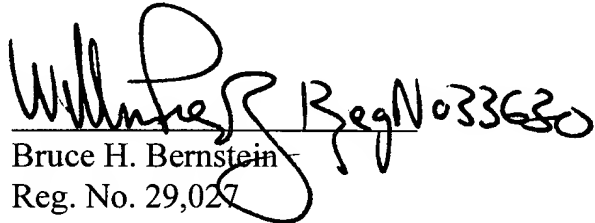
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reason, and consistent with office policy as set forth in MPEP §803, Applicants respectfully request that the Examiner reconsider and withdraw the Election of Species Requirement.

For the foregoing reasons, it is submitted that the Election of Species Requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
Kazumasa AYUKAWA et al.


Bruce H. Bernstein
Reg. No. 29,027

January 8, 2003
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Attorney Docket No. P21475

In re application of : Kazumasa AYUKAWA et al.

Serial No. : 09/961,365

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Filed : September 25, 2001

Examiner: M. Charles

For : THIN AUTOTENSIONER

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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GROUP 3600

Sir:

Transmitted herewith is an election with traverse in the above-captioned application.

- ☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
☐ A Request for Extension of Time.
☒ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 20	20*	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 6	*6*	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

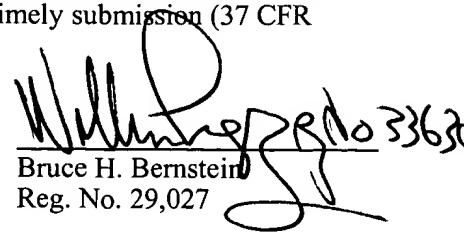
☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the *filing/extension* fee is included.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136) (a)(3)


Bruce H. Bernstein
Reg. No. 29,027